

LAW OFFICES OF  
**KENYON & KENYON**

ONE BROADWAY  
NEW YORK, N. Y. 10004  
(212) 425-7200  
FACSIMILE (212) 425-5288

WASHINGTON, D.C. OFFICE  
1025 CONNECTICUT AVENUE, N.W.  
WASHINGTON, D. C. 20036-5405  
TELEPHONE (202) 429-1776  
FACSIMILE (202) 429-0796

CALIFORNIA OFFICE  
RIVERPARK TOWERS  
333 WEST SAN CARLOS ST., SUITE 600  
SAN JOSE, CA 95110  
TELEPHONE (408) 287-2800  
FACSIMILE (408) 287-2155

EUROPEAN OFFICE  
SCHILLERSTRASSE 19-25  
60313 FRANKFURT AM MAIN  
FEDERAL REPUBLIC OF GERMANY  
TELEPHONE (49) (69) 97 58 05 0  
FACSIMILE (49) (69) 97 58 05 99

DIRECT DIAL: 212-908-6101  
EMAIL: RMAYER@KENYONLAW.COM

RECEIVED  
TEKTRONIX, INC.

August 4, 1998

AUG 12 1998

LAW DEPARTMENT

Mr. Thomas F. Lenihan  
TEKTRONIX Inc.  
P.O. Box 500, M/S 50-Law  
Beaverton, Oregon 97077

6553-US

Re: U.S. Application Serial No. 913,184 - Olaf Hoffmann, et al.  
(former Siemens application GR95P4050)

Dear Mr. Lenihan:

In the above application, we have received the attached notification of abandonment for non-response to the notification of missing requirements. Please be advised that to date we have not received the MISSING REQUIREMENTS notification from the Patent Office.

If we can be of any assistance in dealing with this matter, please let us know.

Sincerely,

*Richard L. Mayer*  
Richard L. Mayer

Enclosure



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

6553-US

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/913184	HOFFMANN	67190/954050
INTERNATIONAL APPLICATION NO.		
PCT/DE96/00457		
I.A. FILING DATE		PRIORITY DATE
05 MAR 96		07 MAR 95

RICHARD L MAYER  
KENYON & KENYON  
ONE BROADWAY  
NEW YORK, NY 10004

DATE MAILED: JUL 16 1998

### NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as

☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

- ☐ Applicant's letter of express abandonment received \_\_\_\_\_ is in compliance with CFR 1.138 and is hereby acknowledged.
- ☐ Applicant has failed to provide the full U.S. Basic National Fee by ☐ 20 months (37 CFR 1.494(b)(2)), ☐ 30 months (37 CFR 1.495(b)(2)).
- ☒ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 03 Dec 97 within the time period set therein.
- ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed \_\_\_\_\_ within the time period set therein. See the attached NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
- ☐ Other.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C 371 and 37 CFR ☐ 1.494, ☒ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

Eless D. Brown, Paralegal

Telephone: 703-305-3659



Patent and Trademark Office  
Address: ASSISTANT COMMISSIC FOR NTS  
Box PCT  
Washington, D.C. 20231

08/913184

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/913,184	HOFFMANN	0 67190/954050
INTERNATIONAL APPLICATION NO.		
5621 PCT/DE96/00457		
LA. FILING DATE		PRIORITY DATE
03/05/96		03/07/95
DATE MAILED: 12/03/97		

RICHARD L. MAYER  
KENYON & KENYON  
ONE BROADWAY  
NEW YORK NY 10004

# NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
  - ☒ a non-English language.
  - ☐ English.
- ☒ Translation of the international application into English.
- ☒ Oath or Declaration of inventors(s) for DO/EO/US. (unsigned)
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☒ Preliminary amendment(s) filed 08 Sep 97 and \_\_\_\_\_
- ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☒ Substitute specification filed 8 Sep 97
- ☐ Verified Statement Claiming Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
- ☐ Other:

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
  - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- 4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
- 5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875

FORM PCT/DO/EO/905 (September 1996)

ELESS D. BROWN  
PCT INTERNATIONAL DIVISION  
(703) 305-3659

FORM PTO-1390 (REV. 5-93)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		74 HecO PCTM 1000-0000-0000		ATTORNEY'S DC NUMBER 67190/954050
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>08/913184</b>		
INTERNATIONAL APPLICATION NO. PCT/DE36/00467		INTERNATIONAL FILING DATE (5.3.96) 5 March 1996		PRIORITY DATE CLAIMED (7.3.95) 7 March 1995		
TITLE OF INVENTION <b>COMMUNICATIONS AND MEASUREMENT APPARATUS</b>						
APPLICANTS FOR DO/EO/US HOFFMANN, Olaf, MERZ, Rudolf, NESS, Christian and PACK, Reinhard						
Applicants herewith submit to the United States Designated/Elected Office (DO/EO/US) the following items and other information						
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).</p> <p>4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</p> <p>b. <input checked="" type="checkbox"/> has been transmitted by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</p> <p>6. <input checked="" type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</p> <p>b. <input type="checkbox"/> have been transmitted by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) (unsigned)</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11. to 16. below concern other document(s) or information included:</p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment.</p> <p><input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> A substitute specification.</p> <p>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>16. <input checked="" type="checkbox"/> Other items or information:</p> <p style="text-align: center;">English translations of PCT International Search and Preliminary Examination Reports</p>						

Express Mail No. EM360779119US

U.S. APPLICATION NO. if known, see 37 C.F.R. 1.5		INTERNATIONAL APPLICATION NO. PCT/DE96/00457		ATTORNEY'S L 671901964050		F NUMBER	
17. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS : PTO USE ONLY			
Basic National Fee (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO ..... \$910.00							
International preliminary examination fee paid to USPTO (37 CFR 1.482) . \$700.00							
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.492(a)(2)) ..... \$770.00							
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(3)) paid to USPTO ..... \$1040.00							
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$96.00							
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$ 910.00			
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 0			
Claims	Number Filed	Number Extra	Rate				
Total Claims	4 - 20 = "	0	X \$22.00	\$ 0			
Independent Claims	1 - 3 = "	0	X \$80.00	\$ 0			
Multiple dependent claim(s) (if applicable)			+ \$260.00	\$ 0			
TOTAL OF ABOVE CALCULATIONS =				\$ 910.00			
Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$ 0			
SUBTOTAL =				\$ 910.00			
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0			
TOTAL NATIONAL FEE =				\$ 910.00			
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$			
TOTAL FEES ENCLOSED =				\$ 910.00			
*Calculations based on Preliminary Amendment.				Amount to be: refunded \$			
				charged			
a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.							
b. <input checked="" type="checkbox"/> Please charge Deposit Account No. 11-0600 in the amount of \$910.00 to cover the above fees. A duplicate copy of this sheet is enclosed.							
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-0600. A duplicate copy of this sheet is enclosed.							
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.							
SEND ALL CORRESPONDENCE TO:							
Richard L. Mayer, Esq. KENYON & KENYON One Broadway New York, NY 10004				SIGNATURE <u>Richard L. Mayer</u> DATE <u>Sept. 8 1997</u>			
				NAME <u>Richard L. Mayer</u>			
				REGISTRATION NUMBER <u>22,490</u>			
141252-1							

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

OLAF HOFFMANN, RUDOLF MERZ, CHRISTIAN NESS, REINHARD PACK

Serial No. 08/913,184

Filed: March 5, 1996

For: COMMUNICATIONS AND MEASUREMENT APPARATUS

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Attention: Box Missing Parts

I hereby certify that this correspondence is  
being deposited with the United States Postal  
Service as first class mail in an envelope  
addressed to: Commissioner of Patents and  
Trademarks, Washington, D.C. 20231, on \_\_\_\_\_

12 Feb 97  
*Thomas F. Lenihan*

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed December 3, 1997 the missing Declaration, signed by the inventors and identifying this application by serial number and filing date, is submitted herewith.

Authorization to Charge Deposit Account

Please charge Deposit Account No. 20-0352 the amount of \$130.00 in payment of the surcharge due for filing of the Declaration.

Respectfully submitted,

OLAF HOFFMAN, ET AL.

By *Thomas F. Lenihan*

Thomas F. Lenihan  
Reg. No. 32,152  
Attorney for Applicant

TEKTRONIX, INC.  
P.O. Box 500 (50-LAW)  
Beaverton, OR 97077  
(503) 627-7266

February 12, 1999

Attorney's Docket No.: 6553-US

**DECLARATION FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMMUNICATIONS AND MEASUREMENT APPARATUS

the specification of which:

(check one)

\_\_\_ is attached hereto.

X was filed on March 5, 1996 as Application Serial No. 08/913,184  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I have identified below any foreign application(s) for patent or inventor's certificate from which I claim foreign priority benefits under Title 35, United States Code, Section 119 and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

<u>195 09 690</u> (Number)	<u>Germany</u> (Country)	<u>07/03/95</u> (Day/Month/Year Filed)	<u>X</u> Yes	<u>      </u> No
<u>          </u> (Number)	<u>          </u> (Country)	<u>          </u> (Day/Month/Year Filed)	<u>      </u> Yes	<u>      </u> No
<u>          </u> (Number)	<u>          </u> (Country)	<u>          </u> (Day/Month/Year Filed)	<u>      </u> Yes	<u>      </u> No

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of the above-identified specification is not disclosed in the prior United States application(s) in the matter required by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>          </u> (Application Serial No.)	<u>          </u> (Filing Date)	<u>          </u> (Status-patented, pending, abandoned)
<u>          </u> (Application Serial No.)	<u>          </u> (Filing Date)	<u>          </u> (Status-patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

William K. Bucher, Reg. No. 32,686; Ralph D'Alessandro, Reg. No. 28,838; Francis I. Gray, Reg. No. 27,788; Boulden G. Griffith, Reg. No. 32,804; John D. Winkelman, Reg. No. 26,523, Thomas F. Lenihan, Reg. No. 32,152. at telephone no. (503) ~~685-4204~~, 627-7266.

~~P.O. Box 1000, Delivery Station 63-LAW, Wilsonville, Oregon 97070-1000.~~  
P.O. Box 500, Delivery Station 50-LAW, Beaverton, Oregon 97077.

Address all telephone calls to Thomas F. Lenihan at telephone no. (503) 627-7266.

Address all correspondence to Thomas F. Lenihan, Tektronix, Inc., P. O. Box 500, Delivery Station 50-LAW, Beaverton, Oregon 97070-1000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of **first or sole** inventor HOFFMANN, Olaf

Inventor's signature *Olaf Hoffmann* Date 12.1.99  
Residence Treseburger Strasse 4, D-10589 Berlin, Germany Citizenship German  
Post Office Address \_\_\_\_\_

Full name of **second** inventor MERZ, Rudolf

Inventor's signature *Rudolf Merz* Date 11.1.99  
Residence Hochhausweg 12, D-13589 Berlin, Germany Citizenship German  
Post Office Address \_\_\_\_\_

Full name of **third** inventor NESS, Christian

Inventor's signature *Christian Ness* Date 12.1.99  
Residence ~~Vinetastrasse 22~~, D-13189 Berlin, Germany Citizenship German  
Post Office Address Treleborger Strasse 33  
*Christian Ness*

Full name of **fourth** inventor PACK, Reinhard

Inventor's signature *Reinhard Pack* Date 11.1.99  
Residence Baumeisterstrasse 2 A, D-12159 Berlin, Germany Citizenship German  
Post Office Address \_\_\_\_\_



THE U.S. PATENT AND TRADEMARK OFFICE  
OFFICIAL MAILROOM STAMP AFFIXED HERETO  
ACKNOWLEDGES RECEIPT FROM TEKTRONIX OF:

( ) BY EXPRESS MAIL NO: \_\_\_\_\_  
DATE MAILED: 2/12/99 Atty/Asst. TL: mp  
Inventors: Olaf Hoffmann, Rudolf Merz,  
Christian Ness, Reinhard Pack  
Serial No.: 08/913,184  
Docket No.: 6553-US Filing Date: 3/5/96  
Title: COMMUNICATION AND MEASUREMENT  
APPARATUS

**ENCLOSURES:**

**Patent Application:**

- ( ) Utility ( ) Design ( ) Provisional  
( ) Specification \_\_\_\_ pages  
( ) Claims \_\_\_\_ pages  
( ) Drawings \_\_\_\_ sheets ( ) Formal  
( ) Information Disclosure Statement  
( ) Preliminary Amendment  
( ) Assignment  
( ) Amendment ( ) After Final  
( ) Notice of Appeal  
( ) Declaration/Power of Attorney  
( ) Issue Fee  
(X) PETITION TO REVIVE UNINTENTIONALLY  
( ) ABANDONED APPLICATION  
(X) RESPONSE TO NOTICE TO FILE MISSING  
( ) PARTS OF APPLICATION